

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:06CV290

FILED
ASHEVILLE, N.C.
MAY 7 2008
U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

REAL PROPERTY AT 130 HIGH)
ROCK ACRES DRIVE, BLACK)
MOUNTAIN, NORTH CAROLINA, AS)
DESCRIBED IN A DEED AT DEED)
BOOK 2881, PAGE 660-02, OF THE)
BUNCOMBE COUNTY, NORTH)
CAROLINA, PUBLIC REGISTRY,)
TOGETHER WITH THE RESIDENCE,)
AND ALL APPURTENANCES,)
IMPROVEMENTS, AND)
ATTACHMENTS THEREON,)

Defendant.)

CONSENT ORDER

AND

JUDGMENT OF FORFEITURE

WHEREAS on September 14, 2006, the United States filed a Complaint for forfeiture in rem against the defendant property described in the caption and alleged that the defendant property subject to forfeiture under 21 U.S.C. § 881(a)(6) & (7) because it had been used by its sole owner in fee simple, Sean Hurley, to manufacture marijuana, a violation of 21 U.S.C. § 841(a)(1);

WHEREAS Sean Hurley died on September 27, 2006;

WHEREAS two minors, O.H.H. and M.S.H. have filed a claim in this case;

WHEREAS notice has been accomplished by the United States and the time for any other person to file a claim has expired;

WHEREAS the two minor claimants understand and agree that after forfeiture and sale of the defendant property that there may be no net profit and also understand and agree that the United States Marshal has the discretion to allow the lienholder to foreclose the property if it would not be economically advantageous for the United States to continue with the forfeiture;

WHEREAS the UNITED STATES and the two minor claimants have reached a settlement.

NOW, THEREFORE:

1. Any and all right, title and interest of all persons in the world in or to the defendant property:

REAL PROPERTY AT 130 HIGH ROCK ACRES DRIVE, BLACK MOUNTAIN, NORTH CAROLINA, AS DESCRIBED IN A DEED AT DEED BOOK 2881, PAGE 660-02, OF THE BUNCOMBE COUNTY, NORTH CAROLINA, PUBLIC REGISTRY, TOGETHER WITH THE RESIDENCE, AND ALL APPURTENANCES, IMPROVEMENTS, AND ATTACHMENTS THEREON.

is hereby forfeited to the United States, and no other right, title, or interest shall exist therein.


2. The United States Marshal is hereby directed to dispose of the forfeited defendant property as provided by law.

3. The United States Marshal is hereby directed to return all profits, if any, after sale, and after expenses concerning sale, of the defendant property to the two minor claimants in trust.

4. Counsel for the two minor claimants is directed to place any profits in trust for the minor children until their eighteenth birthday.


IT IS SO ORDERED.

This the 6th day of May, 2008.



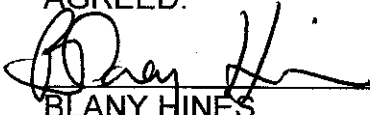
LACY H. THORNBURG
UNITED STATES DISTRICT COURT JUDGE

AGREED:



CAROL GOINS
GUARDIAN AD LITEM TO TWO MINOR CLAIMANTS

AGREED:



BLANY HINES
COUNSEL TO TWO MINOR CLAIMANTS

AGREED:



THOMAS R. ASCIK
ASSISTANT UNITED STATES ATTORNEY